

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Nicholas A Meconi**
Docket No. **273040**
L.C. No. **06-100055**

Michael J. Talbot, Judge, acting under MCR 7.211(E)(2), orders:

The motion to withdraw as counsel for defendant-appellee is GRANTED. Attorney Anthony S. Guerriero is allowed to withdraw and the Court's records shall reflect that defendant-appellee is representing himself for this appeal until new counsel files an appearance on his behalf or the trial court appoints counsel to represent him on appeal.

The Court further orders that this cause is REMANDED to the 25th Judicial District Court to determine whether defendant-appellee is indigent and wishes to have counsel appointed to represent him on appeal. This Court does not have the ability to determine these matters and furthermore, under MCR 7.208(G), matters pertaining to the appointment of an attorney are to be decided in the trial court. Within 14 days after the Clerk's certification of this order, the district court shall conduct a hearing to determine whether defendant-appellee is indigent and whether he wishes to have counsel appointed to represent him on appeal. If defendant-appellee is indigent and requests that counsel be appointed, the court shall promptly appoint counsel and send a copy of the order appointing counsel to the Clerk of this Court. If defendant-appellee is not indigent or does not request that counsel be appointed, the court shall enter an order denying the appointment of counsel and send a copy of the order to the Clerk of this Court.

This Court retains jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

May 16, 2007
Date

Sandra Schultz Mengel
Chief Clerk